

REMARKS

The Examiner required restriction of one of the following inventions:

- Group I.** Claims 1-2 and 5-9, drawn to a kit comprising 6 compositions wherein the fourth composition comprising *Ballota nigra*, or
- Group II.** Claims 3-9, drawn to kit comprising 6 compositions wherein the fourth composition comprising *Piper methysticum*, or
- Group III.** Claim 10, drawn to a "use" claim, and is deemed non-patentable subject matter.

In response to the Examiner's restriction/election requirement, Applicant elects, with traverse, to prosecute Group I including claims 1-2 and 5-9. Applicant specifically reserves the right to file a divisional application directed to non elected claims 3-4 and 10.

The Examiner has applied the Unity of Invention standards under PCT Rule 13.1 and 13.2. According to the Examiner, the groups of claims do not relate to a single general inventive concept because they lack the same or corresponding "*special technical feature*."

Applicant wishes to submit that the single inventive concept of the invention relates to kits and the use of the kits for the treatment of diseases which are characterized by a system-reticulo-endothelial blockade in mammals.

The kits according to the invention are based on the same mechanism of action. Upon administration, the system-reticulo-endothelial blockade is lifted, which restores biofeedback, and leads to an improvement of the overall physical condition of a mammal. The improvement of the overall physical condition of such a mammal stops

accumulation of homotoxins in connective tissues which halts inflammation of the skin and other organs. Diseases that are caused by accumulation of homotoxins may include lupus in humans and tale and mane eczema in horses. Therefore, Applicants submit that independent claim 3 (of Group II) contains a similar technical feature (e.g., a kit) to those set forth in independent claim 1 (of Group I). Accordingly, at least claims 1-9 should be examined in the instant application.

Further, upon the allowance of a claim with a "*special technical feature*" and/or allowance of a generic claim, Applicant respectfully requests rejoinder of all claims containing that "*special technical feature*" and/or all claims dependent on that generic claim.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

CONCLUSION

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

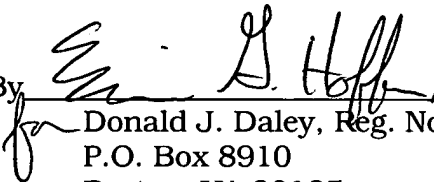
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$65.00 (Small Entity) extension fee herewith.

U.S. Application No. 10/585,662
Atty. Docket No. 5100-000041/US

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By  Reg. No. 57,752
Donald J. Daley, Reg. No. 34,313
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

DJD/EGH/dmc